

REMARKS

In response to the Final Office Action dated January 4, 2011, claim 36 has been added. Claims 22-36 are pending in the application.

In paragraph 3 on page 3 of the Office Action, claims 22-27, 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Smyth and in further view of Jahn.

In paragraph 4 on page 9 of the Office Action, claims 28-32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Smyth and in further view of Jahn, and in further view of Pandya.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 22 sets forth receiving, at a monitor and control unit, status from a head-end relating to operations of head-end elements providing content to terminals within a coverage area of a head-end, receiving, at the monitor and control unit, identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end from the monitor and control unit, processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices designated by the monitor and control unit to receive the status, forwarding the processed status from the monitor and control unit to a communication server and sending the processed status received by the communication server to the designated remote devices to present the status to off-site personnel for troubleshooting the operations of the elements of the head-end.

Independent claim 36 further sets forth receiving at the communication server a response message from the remote devices, forwarding the response message from the

communication server to the monitor and control unit, forwarding the response message, received by the monitor and control unit from the communication server, to a responsible entity in at a targeted head-end and adjusting a parameter of an operation performed by an element at the targeted head-end in response to receiving a command via the response message from the at least one remote device.

According to the Office Action, Jahn teaches that a report may be sent from the report generation entity using a predetermined distribution list. The Office Action further states that from the list, Jahn teaches that the system is able to recognize which type of device it is and format the message based on the designated type of communication device for which it is intended. Thus, Jahn clearly teaches that a list of remote device was previously inputted in the system at some point.

However, Jahn only teaches that a report may be sent to devices on a predetermined distribution list. Jahn does not disclose how the list is obtained. Further, because Jahn teaches that the report may be emailed, sent via text messaging, or sent via a pager. The report is formatted according to the type of device.

Jahn never mentions receiving a capability of a device. For example, Jahn would not know the capabilities of the device, but rather would only know what type of messaging the device may handle. Thus, Jahn would not know whether a device could use a web interface through a browser to change system parameters to rectify the error.

The Office Action states that the specification only discloses manually inputting information. Applicant respectfully traverses this characterization of the specification. Rather, the specification only discloses that the interface menu is manually activated. The

specification does not indicate that the information has to be entered manually. Moreover, Table 1 shows information that may be collected. Thus, other information may be collected consistent with the specification and claims. Furthermore, Jahn discloses only that the devices are included in a distribution list to receive a report. Jahn does not suggest that the devices are capable of responding to status of elements. Accordingly, Applicant respectfully submits that Jahn fails to disclose, teach or suggest receiving identity, type and capability of a plurality of remote devices capable of responding to status of elements of the head-end.

In addition, with regard to claim 36, Jahn does not suggest the head-end system receiving a response message from the remote device and adjusting a parameter of an operation performed by an element at the targeted head-end in response to receiving a command. Rather, Jahn only teaches sending messages to remote devices.

Terreault fails to overcome the deficiencies of Jahn. Terreault merely describes a system that includes a control computer for monitoring reverse paths to detect and analyze ingress signals. A control computer generates control data indicative of the communication line corresponding to the ingress path to be monitored. The control computer generates diagnostic sequence control data for the monitoring instrumentation also used to determine source characteristics of the ingress signal.

However, Terreault fails to disclose, teach or suggest receiving a capability of a device. Thus, Terreault also would not know the capabilities of the device, but rather would only know what type of messaging the device may handle.

Terreault indicates that a field technician may take control over a spectrum analyzer 67 for field troubleshooting. Nevertheless, Terreault does not mention providing identity, type

and capability of remote devices to the control computer. Terreault also fails to disclose, teach or suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices.

Terreault also does not suggest the head-end system receiving a response message from the remote device and adjusting a parameter of an operation performed by an element at the targeted head-end in response to receiving a command.

Thus, Terreault and Jahn, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 22 and 36.

Smyth fails to overcome the deficiencies of Terreault and Jahn. Smyth is merely cited as disclosing an interactive television system including modulators and a Session Control Manager that is used to send messages to field service personnel.

However, Smyth fails to disclose, teach or suggest receiving a capability of a device. Thus, Smyth also would not know the capabilities of the device, but rather would only know what type of messaging the device may handle. Smyth does not mention providing identity, type and capability of remote devices to the control computer. Smyth also fails to disclose, teach or suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices.

Smyth also does not suggest the head-end system receiving a response message from the remote device and adjusting a parameter of an operation performed by an element at the targeted head-end in response to receiving a command.

Thus, Terreault, Jahn and Smyth, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 22 and 36.

Pandya fails to overcome the deficiencies of Terreault, Jahn and Smyth. Pandya is merely cited as monitoring status of buffers for encoding data, multiplexing transport streams and bit rates for a plurality of data being provided at the head-end. However, Pandya fails to disclose, teach or suggest receiving a capability of a device. Thus, Pandya also would not know the capabilities of the device, but rather would only know what type of messaging the device may handle. Pandya does not mention providing identity, type and capability of remote devices to the control computer. Smyth also fails to disclose, teach or suggest processing the status received from the monitor and control unit in conformance with the indicated capabilities of remote devices.

Pandya also does not suggest the head-end system receiving a response message from the remote device and adjusting a parameter of an operation performed by an element at the targeted head-end in response to receiving a command.

Thus, Terreault, Jahn, Smyth and Pandya, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 22 and 36.

Dependent claims 23-35 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 22. Further dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 23-35 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: _____

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A handwritten signature in black ink, appearing to read "David W. Lynch", written over a horizontal line.